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LIBYA—NEXT STEPS IN U.S. RELATIONS

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

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(II)

CONTENTS

	Page
Biden, Hon. Joseph R., Jr., U.S. Senator from Delaware, opening statement ...	3
Burns, Hon. William J., Assistant Secretary of State, Bureau of Near Eastern Affairs, U.S. Department of State, Washington, DC	5
Prepared statement	7
Responses to additional questions for the record from Senator Allen	34
Responses to additional questions for the record from Senator Biden	34
DeSutter, Hon. Paula A., Assistant Secretary of State for Verification and Compliance, U.S. Department of State, Washington, DC	8
Prepared statement	11
Responses to additional questions for the record from Senator Biden	34
Lugar, Hon. Richard G., U.S. Senator from Indiana, opening statement	1

(III)

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THURSDAY, FEBRUARY 26, 2004

**U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
*Washington, DC.***

The committee met, pursuant to notice, at 2:31 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the committee), presiding.

Present: Senators Lugar, Chafee, Biden, Feingold, and Bill Nelson.

OPENING STATEMENT OF SENATOR RICHARD G. LUGAR, CHAIRMAN

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order. Today the committee will examine a non-proliferation success in a country that may have seemed an unlikely candidate for such progress, even a short time ago.

President Bush announced in December that Libya had committed to open its weapons program to international inspectors and to dismantle its weapons of mass destruction. This pledge followed a series of Libyan steps over the past year, beginning with the settlement of the Pan Am bombing claims, that appear to reflect Libya's desire to remove the burdens of the economic sanctions it has lived with for many years.

I congratulate President Bush and his national security team for their persistence in pursuing this objective. Today we welcome Ms. Paula DeSutter, Assistant Secretary of State for Verification and Compliance, and Ambassador William J. Burns, Assistant Secretary of State for Near Eastern Affairs, to discuss American policy in the wake of the Libyan success story and how the United States can ensure that Libya implements its commitments.

Since the announcement, Libya has allowed weapons inspectors of the International Atomic Energy Agency, the IAEA, to access its weapons sites. American officials have transported more than 55,000 pounds of sensitive Libyan equipment and documents to the Oak Ridge National Laboratory in Tennessee. Access to Libya's weapons program has resulted in a treasure trove of evidence exposing a nuclear black market that stretches from Libya to Pakistan and Malaysia.

The seizure last October of a German ship bound for Libya carrying Malaysian-manufactured centrifuge components that can be used in making nuclear material helped initiate these revelations. Some commentators have asserted that Libya took this dramatic step because of the demonstration of United States resolve and our military power in Iraq. Others attribute Libya's action to the suc-

cess of multilateral diplomacy or the weight of international sanctions imposed on Libya.

We should not attempt to reduce the positive outcome in Libya to a single explanation. The Libyan regime faced complex choices that were framed by numerous economic, diplomatic, and military factors. For American policy, the bottom line is that the Bush administration, working with friends in the international community, was prepared to take advantage of this breakthrough. Now we must consider how to consolidate this success and how to expand upon it.

We still cannot assume that Libya is committed absolutely to a responsible course. We cannot ignore its lack of democracy, its development of weapons of mass destruction, its record of support for terrorism, its past pursuit of destabilizing activities in North Africa and the Middle East.

In addition, this week, the Libyan Prime Minister contradicted his government's official admission of responsibility for the Pan Am bombing by saying that Libya compensated the bombing victims to "buy peace." Our witnesses may wish to share additional information about this incident and the administration's response.

Initial reports by IAEA and American officials suggest that Libya is granting extraordinary access to its weapons programs. One non-proliferation official familiar with the Libyan situation commented privately that international authorities found out as much about Libya's weapons programs in 2 weeks as they did about Iran's program in 2 years.

As these revelations progress, the United States must carefully re-evaluate its sanctions policies toward Libya. Today the White House announced that the United States will initiate the process of lifting five types of United States sanctions on Libya, including restrictions that prevent travel by Americans to that country.

Libya's cooperation on weapons of mass destruction can lead to further improvements in relations between our countries. As President Bush has said, and I quote, "as they demonstrate good faith, good faith will be returned," end of quote from the President.

We need to assess the effectiveness of each of our sanction's policies and ask what actions should be required of Libya before a particular sanction is lifted. We must develop performance benchmarks to guide our policies with respect to Libya.

The United States must also ensure that the critical work of non-proliferation is not delayed or diverted unintentionally by restrictions on our interactions with the Libyan Government. Our primary goals should be the complete deconstruction of Libya's weapons programs, the establishment of foolproof verification procedures, and the development of our understanding of how Libya fits into the international proliferation picture.

The State Department's Non-Proliferation and Disarmament Fund, the NDF, has played the central role in getting U.S. personnel on the ground to begin this work. It is important to recognize that Congress gave NDF the unique authority and flexibility to respond to unanticipated non-proliferation emergencies and opportunities, notwithstanding existing sanctions.

But NDF is a relatively small program geared for short-term emergencies. It does not have the size, scope, or experience to do

dismantlement operations, to employ nuclear scientists, or to undertake longer-term non-proliferation efforts. Other programs will be necessary as we proceed in Libya, and these programs will require waivers on the lifting of some sanctions before they can be used.

In particular, the Defense Department's Cooperative Threat Reduction program is well-equipped to deal with Libya's biological and chemical weapons. The Energy Department's Material Protection Control and Accounting program has the expertise to take apart Libyan nuclear weapons facilities and safely dispose of radioactive material. The State Department's experience in re-employing Russian weapons scientists may need to be engaged to get Libyan scientists out of the weapons business.

Congress must be kept informed about Libya's progress in meeting its commitments so that we can identify when and where our laws or programs may need to change to allow for application of these various non-proliferation tools. As we dismantle Libya's weapons of mass destruction programs, we must simultaneously investigate how the Libyans were able to make such progress. In Libya, the United States and the IAEA have been shown evidence of a vast clandestine nuclear network that the Pakistani scientist, A.Q. Kahn, ran for many years.

In addition, a recent IAEA Director General's report on Libya states that Libya exported uranium ore concentrate to an unidentified nuclear weapons state. That nuclear weapons state returned the material to Libya as refined uranium, which is useful to a nuclear weapons program. These extraordinary connections have relevance to our continuing efforts to prevent proliferation, particularly in Iran.

The United States and the world welcome Libya's declaration as an example of how the international community can reduce proliferation threats. Now we must follow through to ensure that Libya fulfills its pledges, that all weapons and dangerous materials are controlled, and that our response sets useful precedents as we pursue non-proliferation goals elsewhere.

We look forward to the testimony and analysis of our witnesses on these topics. Indeed, we welcome both of you. You are persons of vast experience in this area as well as in so many other areas in our government.

I would like to call upon you, Secretary Burns, first of all, and then Secretary DeSutter. Your statements will be made part of the record in full. I will waylay your testimony for just a minute because of the timely appearance of my friend. I call now upon Senator Biden for his opening statement, and then we will have the statements of the witnesses.

**OPENING STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.,
RANKING MEMBER**

Senator BIDEN. Mr. Chairman, again, thanks for convening this hearing and let me commend our witnesses for their work on securing Libya's renunciation of WMD. That's quite an accomplishment.

The agreement with Libya could represent, and obviously none of us know, an important model for the way in which we confront new threats to our security. The combination of rogue states, weap-

ons of mass destruction, and terrorism is in fact a new reality and it requires something beyond what we have done before. I would note parenthetically that we need something between the old doctrine of prevention out of the treaty of Westphalia and deterrence here. There's some new intermediate doctrine that we haven't worked out and we're wrestling with that now.

But I've been calling for a new compact with our allies to deal with these dangers. Just as our allies need to add sticks to their carrots, we've got to add carrots to our sticks, and this agreement demonstrates that when it comes to changing the behavior of rogue regimes we have to apply pressure but also make it clear that there are some benefits to cooperation if they comply.

Three previous administrations kept the pressure on Libya and kept the international community on board with sanctions and they forced Tripoli to recognize that to end its economic and political isolation it had to end its denials of responsibility for the horror of Pan Am 103 and its support for terrorism and end its request for weapons of mass destruction. And the Bush administration kept the pressure on.

But—and this is critical in my view—it's also showed a willingness to engage with Libya and make clear what Tripoli stood to gain if it gave up its reckless behavior. And it joined Britain on the diplomatic track that has begun the process of bringing Libya back into the community of nations, at least the possibility of that.

To be sure, there's a long, long way to go. The Libyan Prime Minister's recent comments denying responsibility for Pan Am 103 underscored the need for strict verification of Libya's commitments, and the comments were quickly and fully retracted, as they had to be. But the fact that they had that momentary relapse evidences this is a work in progress.

But even as we move forward, Americans will never forget the past and the suffering of hundreds of mothers and fathers, sons and daughters, sisters and brothers, caused by the inhumane act of terror. And there's also a long, long way to go before Libya as a country and Libyans as a people meet their full potential. Getting out of the terrorist business and giving up weapons of mass destruction are critical steps forward, but in my view, and I suspect the view of our witnesses, only first steps.

To survive and ultimately thrive in the 21st century, Libya is going to have to embrace the principles of liberal democracy, secular education, representative government, transparent economy, a free press, and a strong civil society, and that's going to take a long time. I'm not Pollyanna-ish about this.

For now, Libya appears to have made a strategic break with the past. That's good for Libya, it's good for its neighbors, and indeed for the security of the people around the world. That strategic break and our pragmatic response also offers a road map for dealing, in my view, with other problem states. This is not a precise formula that can be easily applied to North Korea, Iran, and Syria, all different in the degree of difficulty, and none at all certain of positive outcome.

It seems to me we have to continue to make clear that they stand to lose by seeking WMD, supporting terror, and spreading instability, and bang that case home. But we also have to overcome our

bizarre fear of spelling out in detail what they might gain if in fact these rogue states change their minds.

This administration seems to have not paid nearly as much attention, absent this issue, of the combination, as I said, of sticks and carrots. I think the formula you all put together including co-operation and coordination with other friends and allies is the right formula. Our experience with Libya shows, as Winston Churchill once said, jaw jaw can often accomplish more than war war.

I know that our witnesses may be somewhat constrained in what they can say because we're not in closed session. Nonetheless, I look forward to them updating us on what progress has been made and what concerns they have as we move from here. And again, it's really good to have you here, and Bill, it's a particular—well, you guys earn a lot of credit. Congratulations.

The CHAIRMAN. Thank you, Senator Biden.

Secretary Burns, would you please proceed? If I could ask you both to summarize comments perhaps in a 10-minute timeframe, that would be desirable because that will give us opportunities for questions. We will have a rollcall vote, I'm advised, about 4 or a few minutes thereafter, so we want to make certain that we have a full statement by both of you and a good dialog. Thank you.

STATEMENT OF HON. WILLIAM J. BURNS, ASSISTANT SECRETARY OF STATE, BUREAU OF NEAR EASTERN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. BURNS. Thank you very much, Mr. Chairman. It's a pleasure to be here again, and with your permission, I'll submit my written statement for the record and just summarize briefly, hopefully less than 10 minutes.

I really am delighted for this opportunity to speak with you and the other members of the committee on developments in Libya. They do, as both you and Senator Biden have already said, represent a major advance in our collective efforts to halt state-sponsored terrorism and the proliferation of the world's most dangerous weapons.

After decades of hostility, U.S.-Libyan relations are at a turning point. Since its historic announcement on December 19, Libya has taken significant steps to implement its commitment to eliminate weapons of mass destruction and the missile systems to deliver them, as well as to cooperate in the war on terrorism. In so doing, it has begun to clear a path to better relations with the United States.

Our engagement with Libya will be guided by two overarching principles. First, Libyan action, not promises or an artificial time line, will drive U.S. policy. Second, any evidence of Libyan backtracking on its commitments will result in a re-evaluation of our bilateral engagement. We were gravely concerned by the Libyan Prime Minister's public equivocation over Libya's acceptance of responsibility for the Pan Am 103 bombing. We sought and received an immediate, official public retraction. We have been crystal clear that U.S.-Libyan relations can only be rebuilt if we develop confidence in the Libyan regime's commitment to repudiate its past record of support for terrorism and search for weapons of mass destruction. We will not compromise this principle.

As Assistant Secretary DeSutter will describe in more detail, Libyan cooperation since its December 19 commitment to eliminate weapons of mass destruction and longer-range missile programs has been excellent. In recognition of that tangible progress, I met with Libyan representatives in London on February 6 and previewed the steps announced by the White House earlier today. These include the lifting of the passport restriction on travel to Libya, modification of sanctions to permit travel-related expenditures in Libya, permission for U.S. companies with pre-sanctions holdings to negotiate the terms of their re-entry, agreement to open a Libyan interests section in Washington, the dispatch of a U.S. health delegation to assess potential cooperation, and an invitation for a Libyan delegation to come and discuss future educational opportunities for Libyan students in the United States.

I emphasized in the February 6 meeting that tangible progress in our bilateral relationship would depend upon continued good-faith implementation by Libya of its commitments on terrorism, WMD, and missiles. I also stressed that Libyan actions to reform its political and economic system, to institute and respect human rights, and to play a constructive role in the region will be important factors in shaping a more normal relationship.

This is a broad agenda requiring greater diplomatic engagement with Libya. We plan to augment the number of U.S. diplomats at our interest section in Tripoli as required and expect to notify the Congress soon about our intention to establish a free-standing liaison office. This will not constitute a reopening of our embassy, but reflects the need to conduct a greater volume of business directly with the Libyan Government.

Libya remains on the list of state sponsors of terrorism. Before this changes, we will need to confirm that Libya has implemented a strategic decision to repudiate terrorism as a tool of foreign policy and to break any residual ties it may have to any terrorist organization. This evaluation is ongoing.

We place the highest importance on Libya fully adhering to its Pan Am 103 commitments, including on terrorism. These undertakings were secured in large measure as a result of the determination and the courage of the families of the victims of Pan Am 103. They can take pride in helping push Libya out of the terrorism business and setting a model for other states, which will save innocent lives in the future.

Mr. Chairman, U.S. diplomacy, sanctions, and a clear commitment to take all steps necessary to halt the spread of weapons of mass destruction helped persuade the Libyan leadership that a radical course correction was required for it to safeguard its interests and the well-being of its people.

As Libya takes credible steps to rejoin the international community, we will continue to seek the guidance and the cooperation of this committee, the Congress, and many others to shape an appropriate response, including the easing of other economic sanctions. We will work closely with you to ensure that the Congress and the administration deliver a strong unequivocal message that Libya has made the right choice, in fact the only choice, for improved relations with the United States and the international community. Thank you very much.

[The prepared statement of Mr. Burns follows:]

PREPARED STATEMENT OF HON. WILLIAM J. BURNS

Thank you Mr. Chairman for this timely opportunity to speak with members of the Committee on a major foreign policy development that reflects the close cooperation between the Executive and Legislative branches and constitutes a key achievement in Administration efforts to halt state-sponsored support for international terrorism and the proliferation of the world's most dangerous weapons.

After decades of hostility, U.S.-Libyan relations are at a turning point. On December 19, Libya made an historic commitment to eliminate its weapons of mass destruction programs, and the missile systems to deliver them, and reiterated its intention to cooperate in the war on terrorism. Since December 19, Libya has taken significant and, in some cases, irreversible steps to implement these commitments.

I want to underscore that U.S. policy towards Libya will be driven by Libyan action, not promises or an artificial time line. Libya's actions to date have been substantial, serious and consistent with its pledge to dismantle WMJ) programs and abandon terrorism.

I also want to underscore that when we see evidence of Libyan backtracking on any one of these commitments, we will immediately reevaluate our bilateral engagement. For example, there can be no equivocation by the Libyan government over its acceptance of responsibility for the Pan Am 103 bombing. The comments by Libyan Prime Minister Ghanem to the BBC on February 24 were a direct contradiction of Libya's written statement to the United Nations Security Council, taking responsibility for the actions of its officials. We sought and received an official retraction. U.S.-Libyan relations can only be rebuilt if we develop confidence in the Libyan regime's commitment to repudiate its past record of support for terrorism and pursuit of weapons of mass destruction. We will not compromise this principle.

Since December 19, Libya has invited U.S. and U.K. experts, along with personnel from the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons, to assist Libya in destroying the dangerous legacy of its decades-long effort to obtain and deploy chemical and nuclear weapons, and longer range ballistic missiles. Libyan cooperation has been excellent, as Assistant Secretary DeSutter will discuss in more detail. Libyan officials have matched their public commitment to voluntarily eliminate these programs with private actions that reflect this historic change of course.

In recognition of the initial steps taken by the Libyan regime to address our terrorism, WMD and missile concerns, I met with representatives of the Libyan government in London on February 6 to begin a political dialogue about the future of U.S.-Libyan relations. I previewed the first steps that the Administration is prepared to take in response to concrete actions by Libya to fulfill its commitments.

These steps include: the lifting of the passport restriction on travel to Libya; the modification of executive order sanctions to permit expenditures for travel to Libya; the issuance of licenses for U.S. companies with presanctions holdings to negotiate the terms of their re-entry, subject to U.S. approval before implementation or the subsequent lifting of relevant U.S. sanctions; agreement to establish a Libyan Interests Section in Washington D.C.; the sending of a U.S. health delegation to Libya to assess potential cooperation in areas such as disease prevention; and the agreement to receive a Libyan delegation to discuss future educational opportunities for Libyan students in the U.S. and related topics. In addition, I reiterated U.S. interest, working in concert with the U.K., to discuss programs for the retraining or redirection of Libyan scientists, and commitment to assist Libya in converting its Tajura research reactor so it would no longer use highly enriched uranium.

During this discussion, I emphasized that progress in our bilateral relationship would depend upon continued, good faith implementation by Libya of its own public commitments on terrorism, WMD, and missiles. In turn, I underscored the Administration's willingness to reassess the broad range of sanctions against Libya. I also clarified that while decisions to ease or lift sanctions will be a function of Libyan action on WMD, missiles and terrorism, the tenor of our bilateral relationship and the pace and degree to which relations are normalized in the future also will reflect Libyan actions to reform its political and economic system, to institute and respect human rights, and to play a constructive role in the region.

Evidence of our new relationship with Libya can be seen on the ground in Tripoli. On February 8, the first American diplomat was posted to the U.S. Interests Section in Tripoli. We now have five diplomats in Libya, the first long-term U.S. diplomatic presence in Tripoli since the 1980 closure of the American Embassy. The work of the U.S. staff at the Interests Section is complemented by an increasing number of official U.S. delegations and teams, whose objective is to support the activities of

our WMD experts as well as to engage on issues of mutual interest. One example of the latter is the Libyan government's invitation for a U.S. team to conduct a joint search for the remains of two American airmen, one of whom has been missing since 1943.

At present, the U.S. Interests Section in Tripoli functions under our protecting power, the Belgian Government. In the near-term, we anticipate notifying Congress of our intent to establish a freestanding Liaison Office in Tripoli. It will not constitute a reopening of an Embassy, but will reflect our need to conduct more "normal" business directly with the Libyan government as a consequence of the work associated with the our cooperation in eliminating WMD, as well as by the increased travel of Americans, including American congressional delegations, to Libya. It is premature at this stage to reopen an Embassy, which should come later in the process of Libya's implementation of its WMD, missile and terrorism commitments.

Libya remains on the list of State Sponsors of Terrorism. Before this changes, we will need to confirm that Libya has implemented a strategic decision to repudiate terrorism as a tool of foreign policy and to break any residual ties it may have to any terrorist organization. This evaluation is ongoing. As we have noted in successive "Global Trends in Terrorism" reports, Libya has taken steps to distance itself from terrorism and to cooperate in the global war against terrorism. In 2003, there were further, positive developments: the Libyan government reiterated assurances to the UN Security Council that it had renounced terrorism, undertook to share intelligence on terrorist organizations with Western intelligence services, and took steps to resolve matters related to its past support of terrorism, including addressing the requirements of the United Nations for the terrorist bombing of Pan Am 103.

We place the highest importance on Libya fully adhering to its Pan Am 103 commitments, including on terrorism. These undertakings were secured in large measure as a result of the determination and courage of the families of the victims of Pan Am 103. They can take pride in helping push Libya out of the terrorism business and setting a model for other states, which will save innocent lives in the future. In future discussions with Libyan officials, I will continue to emphasize the importance of this issue for improving U.S.-Libyan relations. I will also use this newly available channel to raise other concerns we may have about Libyan policies, including on issues in Africa and the Middle East.

Mr. Chairman, U.S. diplomacy, sanctions, and a clear commitment to take all steps necessary to halt the spread of weapons of mass destruction helped persuade the Libyan leadership that a radical course correction was required for it to safeguard its interests and the well-being of its people. As Libya takes credible steps to rejoin the international community, we will continue to seek the guidance and cooperation of this committee, the Congress, and many others to shape an appropriate response, including the easing of other economic sanctions. We will work closely with you to ensure that the Congress and Administration deliver a strong, unequivocal message that Libya has made the right choice, in fact the only choice, for improved relations with the United States and the international community.

The CHAIRMAN. Thank you very much, Secretary Burns.
Secretary DeSutter.

STATEMENT OF HON. PAULA A. DESUTTER, ASSISTANT SECRETARY OF STATE FOR VERIFICATION AND COMPLIANCE, U.S. DEPARTMENT OF STATE

Ms. DESUTTER. Thank you very much, Mr. Chairman, Senator Biden, members, for the opportunity to discuss the U.S. Government's assistance to Libya in its elimination of its weapons of mass destruction and MTCR-class missile programs. We've submitted a full statement, but I would highlight several things from that statement.

Two things I would emphasize to begin. First, the WMD dismantlement process in Libya is ongoing and moving forward rapidly. The second is that the Libya success is part of an overall non-proliferation strategy set forth by the President and implemented by Secretary Powell and Under Secretary Bolton, and I am honored to be part of their team.

As a verifier in the world of weapons of mass destruction, I am not usually full of good news, but the success of Libya is a ray of light in the otherwise dark world of the WMD black market. Libyan efforts to date and their cooperation are consistent with Colonel Qadhafi's commitment to rid Libya of WMD and MTCD-class missiles. We have removed from Libya significant and dangerous elements of its nuclear weapons program and key guidance parts from Libya's most advanced missile program and are preparing to remove more.

In the first phase of our efforts on the ground in Libya, which occurred during the last half of January, we removed detailed nuclear weapon designs that Libya had acquired as part of its weapons program. These designs had been purchased from the nuclear black market network of Pakistani scientist, A.Q. Kahn. The weapons designs were handed over to the joint U.S.-U.K. team on January 20 and flown out of Libya aboard a chartered aircraft in the custody of State Department personnel on January 22.

Later that week, we also removed several containers of gaseous uranium hexafluoride, centrifuges from Pakistan's Kahn Research laboratories, some of which were still in their original packing containers, a large number of additional centrifuge parts and equipment and centrifuge documentation.

On the missile front, we received a detailed description of a range of Libyan missile research and development activities and removed from Libya five SCUD-C guidance sets, including their gyroscopes, thereby making inoperable all of Libya's existing SCUD-C missiles, produced with extensive assistance from North Korea.

All these items and materials were loaded aboard a large cargo aircraft in Tripoli and flown safely and securely home on January 26 to Knoxville, Tennessee. The Department of Energy has stored the sensitive nuclear materials at Oak Ridge.

I haven't had much of a chance to sit back and ponder these momentous changes, but I would have been amazed 3 months ago if someone had told me that much of the most sensitive Libyan nuclear material was in Tennessee and not in Tripoli. This enormous effort by our teams in Libya and Washington was accomplished by the remarkable effort of many in the State Department and other government experts from the Defense Department, the CIA, and the Energy Department.

It has been a rewarding experience for me to coordinate their efforts.

I should also emphasize the importance in this process of the State Department's Non-Proliferation and Disarmament Fund. Libya has long faced some of the most severe economic and political sanctions the United States has ever imposed, but the same restrictions that have so successfully imposed pressure on Libya greatly restricted our ability to conduct operations there in order to implement the trilateral elimination and verification program. NDF has proven indispensable in that it is one of the few funds available with the requisite fiscal authority.

The Libyans have also been committed to the process and their courageous determination to rid themselves of programs that had lasted decades is one that ought to be commended. I cannot let this

opportunity go without thanking our British allies who have been true partners in this effort.

While much has been done, it is only a start. Our teams returned to Libya on February 14 and we are well underway in implementing the next phase of our project. We have already brought out of Libya much of the most proliferation-sensitive nuclear items, but only a small percentage of the nuclear equipment by volume. Even as I speak with you today, for instance, our experts are working with Libya to inventory, pack, and remove a large quantity of additional equipment related to Libya's nuclear centrifuge program.

We are also working to help Libya convert its Tajura reactor to low enriched uranium fuel. We will also help to redirect Libyan WMD personnel to more productive ends, and we've got at the head of that project one of the people who is very instrumental in doing the redirection process with Russia.

On the chemical weapons front, there remained a large stockpile of chemical weaponry and a sizable stockpile of CW agents still to be destroyed. We have been assisting Libya in preparing their initial CWC declaration, which is due to the OPCW on March 6. We will be working closely with Libya and the OPCW to determine how best to destroy Libya's CW and precursor agent stockpiles. We will also investigate the status of Libya's past efforts regarding biological weapons.

On the missile front, we are working with Libya to ensure that it meets its goal of not retaining MTCR-class missiles or the capability to produce them.

As an example of the dramatic turn of events, 3 months ago, our chemical experts in Washington were analyzing what the chemical weapons facility at Rabta might contain. These same experts are now walking freely through Rabta.

This first phase of the process also illustrates the cooperative relationship we have developed, both with the Organization for the Prohibition of Chemical Weapons, the OPCW, and the International Atomic Energy Agency. We have enjoyed a good working relationship with the OPCW and Director General Pfirter. Also, Under Secretary Bolton traveled to Vienna on January 19 to join his British counterpart, William Ehrman, for discussions with IAEA Director General ElBaradei, about how best to coordinate the trilateral Libya-U.S.-U.K. elimination and verification project with the agency. Their agreement formed the basis of a cooperative approach that has worked well on the ground.

I'd like to now put our dealings with Libya into the broader context of the administration's non-proliferation policy. In a post-9/11 world, our enemies are often unseen and the dangers we face are heightened by the black market WMD trade. The President has developed a bold strategy to use every tool at our disposal to halt the spread of these weapons. As he said in his recent speech at the National Defense University, there is consensus among nations that proliferation cannot be tolerated, yet this consensus means little unless it is translated into action.

The President means it when he says we must translate the consensus into action. The actions we use depend on the situation. We use diplomacy at all times, economic pressure when we can, mili-

tary pressure when we must. We have made steadfast efforts over the past 3 years to dramatically change the cost-benefit analysis of proliferators and would-be proliferators around the world. We have used the sanctions laws you wrote and have penalized proliferators by imposing sanctions on them far more aggressively than in previous administrations.

We have organized like-minded friends to improve our collective abilities to interdict WMD-related shipments and have shown ourselves more than willing to take dramatic action, even to the point of deposing a cruel dictator in Iraq who was intent upon developing such weapons. We have isolated and pressured out states dedicated to developing WMD and engaged our friends and allies in a range of multinational diplomatic, economic, and even military coalitions to combat this danger.

Thanks to our efforts proliferation has today become riskier and more uncertain, and we are now sending the message that the pursuit of WMD brings not security but insecurity. At the same time, we have made clear that countries that abandon such dangerous pursuits can enjoy the prospect of improved relations with the United States and our friends.

One of the big issues of the day is whether our intelligence in Iraq was right, and if not, why it went wrong. I am certainly not here to discuss that issue, but I do want to discuss in broad terms the effectiveness of our intelligence in Libya. We had extensive intelligence reporting on Libya's WMD programs prior to the December 19 announcements. What we have discovered so far in Libya showed that our intelligence was right on the mark in Libya, particularly in the nuclear arena.

There are always surprises in intelligence. It's not an exact science, and in Libya we were surprised by the extent of some of the WMD programs. But in terms of being able to ask the right questions of the Libyans, of being able to understand the goals of the programs, and in understanding their procurement network, we were well-served by the intelligence community. Without their excellent work, I do not think we would be having the success we are having now in Libya.

To summarize, I would say that Colonel Qadhafi made a historic decision to bring his country into compliance with crucial treaties banning weapons of mass destruction. This was not an easy decision for him to make and he deserves credit for doing so. The United States, the United Kingdom, and Libya have worked together as a team to eliminate Libya's WMD programs to normalize relations between Washington and Libya. We only hope that states with even more advanced nuclear programs like Iran and North Korea will learn from Libya's example and agree to rejoin the community of civilized nations and give up these terrible weapons.

Thank you for inviting me and I would welcome any questions that you would have.

[The prepared statement of Ms. DeSutter follows:]

PREPARED STATEMENT OF HON. PAULA A. DESUTTER

Mr. Chairman, Senator Biden, members of the committee, thank you for the opportunity to discuss the U.S. Government's assistance to Libya in the elimination of its Weapons of Mass Destruction (WMD) and MTCR class missile programs.

On December 19, 2003, Libya issued a pathbreaking statement, announcing that Libya had been conducting talks with the United States and the United Kingdom about weapons of mass destruction, and had already shown U.S. and UK experts “the substances, equipment and programs”—including centrifuges for uranium enrichment and “equipment to carry chemical substances”—Libya possessed that “could lead to the production of internationally banned weapons.”

The Libyan government announced that it had, of “its own free will,” agreed “to get rid of these substances, equipment and programmes and to be free from all internationally banned weapons.” Libya also declared that it had “decided to restrict itself to missiles with a range that comply with the standards of the [Missile Technology Control Regime]” (a range of at least 300 km and a payload of at least 500 kg). Libya declared its intention to comply in full with the Nuclear Non-Proliferation Treaty (NPT) and the Biological Weapons Convention (BWC), and that it intended to sign the IAEA Additional Protocol and adhere to the Chemical Weapons Convention (CWC). All of these remarkable steps, Libya announced would be undertaken “in a transparent way that could be proved, including accepting immediate international inspection.”

I have been involved in verification for a long time, and the opportunity presented by Libya’s decision is unique. This is one of those rare times that a state has volunteered to rid itself of its WMD programs—and it is a first for a state sponsor of terror to do so without regime change. Helping Libya to achieve success in fulfilling these commitments is an excellent step in its own right. Perhaps even more importantly, we must do our best to ensure that Libya’s decision stands as a model for other proliferators to mend their ways and help restore themselves to international legitimacy.

As President Bush declared on December 19 just after the Libyan announcement, Colonel Gadhafi had made a decisive commitment that, when fulfilled, would make the world a safer place. The President pledged that as Libya fulfills its commitments and demonstrates its seriousness, the path would be open to better relations with the United States and other free nations. President Bush expressed his hope that Libya would thereby be able to help regain a secure and respected place among nations. But let me emphasize this one point: improvement in Libyan-American relations is subject to progress on the WMD dismantlement front.

Before I get into the details of this project let me just say that Libya’s efforts reflect very substantial progress in meeting its commitment to rid itself of its WMD and MTCR-class missile programs. To date, Libya has cooperated closely with our teams, with our British partners and international organizations. With Libya’s agreement, we removed significant and dangerous elements of its nuclear weapons program and key guidance parts from Libya’s most advanced missile program and stand ready to remove more still.

Assistant Secretary Burns will discuss the political and diplomatic track and our plans for diplomatic relations with Libya. I am here to describe our efforts in assisting Libya in dismantling its Weapons of Mass Destruction and MTCR-class missile programs.

BACKGROUND: U.S. COUNTER-PROLIFERATION POLICY

It may be helpful if I begin, however, by putting the Libya effort into the context of this Administration’s counter-proliferation policy. With an eye to the terrible threat to U.S. national security interests—and to the lives and well-being of thousands or perhaps millions of innocent people—posed by the proliferation of weapons of mass destruction (WMD) around the world, the President has developed a bold strategy to use every tool at our disposal to halt the spread of these weapons. We use diplomacy at all times, economic pressure when we can, military pressure when we must. The President, indeed the entire U.S. Government, has demonstrated a strong commitment to the goal of nuclear, chemical and biological nonproliferation. This commitment has had a galvanizing effect on the world’s views on the trade of WMD.

We have made steadfast efforts over the past three years to change dramatically the cost-benefit calculations of proliferators and would-be proliferators around the world. We have penalized proliferators by imposing sanctions on them far more aggressively than during the previous administration; we have organized like-minded friends to improve our collective abilities to interdict WMD-related shipments; and we have shown ourselves more than willing to take dramatic action—even to the point of deposing a cruel dictator in Iraq who was intent upon developing such weapons.

We have isolated and pressured outlaw states dedicated to developing WMD, and engaged our friends and allies in a range of multinational diplomatic, economic, and

even military coalitions to combat this danger. Thanks to our efforts proliferation is today becoming riskier and more uncertain, and we are now sending the message that the pursuit of WMD brings not security but *insecurity*. At the same time, we have made clear that countries that abandon such dangerous pursuits can enjoy the prospect of improved relations with the United States and our friends.

ORIGINS OF THE PROJECT

In March of 2003, Libya made quiet overtures to the UK and U.S. intelligence services about “clearing the decks” with regard to WMD. This matter was handled as a matter of the utmost secrecy within the U.S. and UK governments. In the U.S., in fact, the secret discussions that began in March involved only a handful of officials.

Even as the discussions continued in October 2003, the U.S., UK, German and Italian governments worked together to arrange the diversion of a shipment of centrifuge components bound for Libya. These components had been secretly purchased on the international nuclear black market from the illicit Pakistan-based nuclear smuggling network headed by Abdul Qadeer Khan. It was clear, at that point, that we knew a great deal about Libya’s secret nuclear weapons program. To its credit, Libya increased its cooperation with us in October, and permitted joint U.S. and UK teams to secretly visit a number of WMD and missile-related facilities in Libya.

During two visits to Libya by these teams—in October and then December of 2003—Libya made available a great deal of information about its clandestine programs. The substantial knowledge of the Intelligence Community regarding Libya’s WMD and missile programs was invaluable during these discussions. These visits laid the groundwork for all the successes we are pleased to report since Colonel Gadhafi’s groundbreaking announcement on December 19.

THE ROLE OF THE STATE DEPARTMENT

After the Libya effort became public in December, the role of coordinating this remarkable program fell to the State Department. Today, we coordinate an effort that quickly came to involve not only multiple bureaus within the Department but also a range of interagency participants including the Department of Energy, the Defense Department, and the CIA. The Department’s role has been overseen by Under Secretary John Bolton, under whose leadership I am coordinating the day-to-day effort, including the interagency Proliferation Strategy Policy Coordinating Committee.

Within the Department, the Nonproliferation (NP) and Arms Control (AC) Bureaus have also played instrumental roles, and we have worked hand in glove with the Bureau of Near Eastern Affairs (NEA). Our effort has also enjoyed the close personal involvement and support of Secretary Powell and Deputy Secretary Armitage—who have been instrumental in our success so far. The Department of Energy’s National Nuclear Security Administration (NNSA) and the Defense Department’s Defense Threat Reduction Agency (DTRA) have also contributed vital personnel and expertise to our in-country operations.

It is also worth emphasizing how cooperatively we have been working with our British allies in this important project. From the very beginning—in the secret Libyan discussions in 2003—the U.S. and UK have worked together very closely. The successes achieved to date stand as a testament to our two governments’ shared counter-proliferation goals and firm commitment to the Libyan elimination and verification effort. Our partnership in this project has been crucial to its success.

ESTABLISHING THE FRAMEWORK

The basic architecture for our approach to the Libyan elimination and verification project was established in late December of last year. We began, in early January, by developing a series of papers approved by the U.S. interagency process and carefully coordinated with our British partners. These papers spelled out in some detail our proposals for how to help Libya fulfill its December 19 commitments with respect to nuclear, chemical, biological, and missile programs.

I’d like to take a moment to sketch the basic contours of this program. Our program is aimed to assist Libya in promptly identifying and securing proliferation-sensitive items, eliminating all elements of its nuclear and chemical weapons programs, restricting its missile efforts in accordance with MTCR standards, and helping it demonstrate effective transparency of its biological activities. We also proposed to help Libya with its declarations to the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW). To facilitate this work, and to help provide confidence that declaration and elimination activities are based upon complete and accurate information, we also proposed to conduct sur-

veys and other activities to evaluate the extent of Libya's programs. We also proposed a tentative timeline for the first portions of the elimination and verification effort.

This was an ambitious program, but our four papers outlining our nuclear, chemical, biological, and missile proposals—along with an overarching “common elements” paper, which was translated into Arabic—were presented to the Libyans by NSC, CIA, and State Department officials at a meeting in London on January 8. At that meeting, the three parties agreed upon a “checklist” of priority items to be removed during the first visits of the bilateral and interagency teams assisting Libya with elimination and verification. That was also the same week that Libya made its first legal step down the road toward WMD elimination, by acceding to the Chemical Weapons Convention.

U.S. ORGANIZATION FOR THE LIBYA EFFORT

Organizationally, we established a structure that revolved around a Washington-based coordination effort centered in my bureau but closely involving experts from the NP and AC bureaus, as well as interagency participants. We quickly set up experts’ groups in the various subject-matter areas—nuclear, chemical, biological, and missile—to provide the overall technical guidance and advice needed to direct corresponding subject-matter teams in Libya. We have since created additional teams to work on the conversion of Libya’s Tajura research reactor to low enriched uranium (LEU), and on developing ways to redirect Libyan WMD and missile scientists, engineers, and technicians to civilian pursuits. These groups work through a small coordination cell in the VC bureau, which also oversees the work of our in-country personnel. We selected Ambassador Don Mahley of the Arms Control Bureau to be the Senior WMD Representative in Libya, where he coordinates the work of the technical assistance groups and works closely with his Libyan hosts.

I should also emphasize the importance in this process of the State Department’s Nonproliferation and Disarmament Fund (NDF). Libya has long faced some of the most severe economic and political sanctions the U.S. has ever imposed. But the same restrictions that have so successfully imposed pressure on Libya greatly restrict our ability to conduct operations there in order to implement the trilateral elimination and verification program. NDF has proven indispensable in that it is one of the few funds available with the requisite fiscal authority. It is hard to express just how central NDF has been to our successes so far. We have spent around \$2.5 million in NDF funds so far in support of our activities in Libya, and NDF personnel have been instrumental in working through the innumerable logistical and paperwork problems that inevitably arise when doing such complicated things under such unusual circumstances. With NDF, I can assure you, Congress has been getting huge value for its nonproliferation dollar.

FIRST WMD ELIMINATION PHASE

Pursuant to the January 8 London agreement, the State Department-led teams arrived in Libya for the first time on January 18. We enjoyed outstanding cooperation from our Libyan counterparts, who took very good care of our personnel. They allowed our teams to visit any location, and they were forthcoming about the myriad aspects of Libya’s WMD and missile development programs.

It was, in fact, remarkable how much the Libyan, U.S., and UK effort accomplished during its first month. By the time our first teams left Libya on January 29, we had already eliminated some of the most proliferation-sensitive aspects of Libya’s WMD and missile programs.

Our first step was to remove detailed nuclear weapons designs Libya had acquired as part of its weapons program. These designs had been purchased from the nuclear black market network of Pakistani scientist A.Q. Khan. The weapons designs were handed over to the joint U.S./UK team on January 20, and flown out of Libya aboard a chartered aircraft in the custody of State Department personnel on January 22.

Later that week we also removed several containers of gaseous uranium hexafluoride (UF₆), centrifuges from Pakistan’s Khan Research Laboratories—some of which, of the advanced “P-2” variety, were still in their original packing containers—a large number of additional centrifuge parts and equipment, and centrifuge documentation.

On the missile front, we received a detailed description of a range of Libyan missile research and development activities, and removed from Libya five SCUD-C guidance sets, including their gyroscopes, thereby making inoperable all of Libya’s existing SCUD-C missiles produced with extensive assistance from North Korea.

All these items and materials were loaded aboard a large cargo aircraft in Tripoli and flown safely and securely on January 26 to Knoxville, Tennessee. The Department of Energy has stored the sensitive nuclear materials at Oak Ridge.

During this U.S./UK team visit, at our suggestion, Libya began consolidating its stockpile of CW agent at a more secure location in order better to safeguard it against theft by terrorists and make easier its eventual destruction. U.S. and UK experts have also been working closely with Libya to help it prepare its initial CWC declaration. As part of that effort, Libya allowed U.S. and UK chemical engineers complete access to the former chemical weapons production plant at Rabta. Libya also started destroying unfilled munitions in our team's presence, destroying the first two of its chemical bombs on January 26. The U.S./UK team carefully videotaped this destruction in order to permit verification by the OPCW.

COOPERATION WITH INTERNATIONAL AGENCIES

This first phase of the process also illustrated the cooperative relationship we developed with the International Atomic Energy Agency (IAEA). Under Secretary Bolton traveled to Vienna on January 19 to join his British counterpart, William Ehrman, for discussions with IAEA Director General Mohamed ElBaradei about how best to coordinate the trilateral Libya/U.S./UK elimination and verification project with the Agency. Their agreement formed the basis of a cooperative approach that has worked well on the ground in Libya.

The IAEA sent two officials—nationals of nuclear weapons states—to be present as U.S. and UK experts examined the weapon designs in Libya. These IAEA officials, with agreement of the U.S. and UK teams, placed the designs under IAEA seal before the U.S. and UK team flew them out of the country. The documents are in U.S. custody.

IAEA officials also accompanied our U.S. and UK experts while they inventoried, packed, and moved nuclear-related items out of Libya. At the request of the IAEA, some items of centrifuge equipment and the centrifuge documentation were placed under seal. These items were segregated and stored separately upon their arrival in the United States.

We have worked with the IAEA in order to help them preserve their own investigatory interests in acquiring a full understanding of Libya's handling of safeguarded nuclear material and related activities. Pursuant to Under Secretary Bolton's agreement in Vienna with Director General ElBaradei on January 19, the IAEA was invited to be present when the seals were broken on the Libyan nuclear weapons designs a couple of weeks ago here in Washington. Two IAEA officials attended. The IAEA will also be invited to be present when seals are removed on other equipment or items removed from Libya, including the UF6 containers and some centrifuge components.

In addition, we have been cooperating closely with the OPCW, which recently sent its first Technical Secretariat (TS) delegation to begin working with Libya. Under the terms of the CWC, of which Libya is now a State Party, the OPCW Executive Secretariat will have to approve plans for the destruction and verification of Libyan Chemical Weapons stockpiles, as well as for the elimination of dual use equipment connected with past chemical weapons efforts. We have been working closely with Libya to facilitate this effort.

WHAT'S NEXT?

While much has been done, it is only a start. Our teams returned to Libya on February 14, and we are well underway in implementing the next phase of our project. We have already brought out of Libya much of the most proliferation-sensitive nuclear items but only a small percentage of the nuclear equipment—by volume, at least—has been removed. Even as I talk with you today, for instance, our experts are working with Libya to inventory, pack, and soon remove a large quantity of additional equipment related to Libya's nuclear centrifuge program. We are also working to help Libya convert its Tajura reactor to LEU fuel. We will also help "redirect" Libyan WMD personnel to more productive ends.

On the chemical weapons front, there remains a large stockpile of chemical weaponry—and a sizable stockpile of CW agent—still to be destroyed. As I noted, we have been assisting Libya in preparing their initial CWC declaration, which is due on March 6. We will be working closely with Libya and the OPCW to determine how best to destroy Libya's CW and precursor agent stockpiles. We will also investigate the status of Libya's past efforts regarding biological weapons. On the missile front, we are working with Libya to ensure that it meets the goal of not retaining MTCR-class missiles or the capability to produce them.

SUMMARY

A/S Burns will describe the other aspects of our relationship with Libya as the elimination and verification program progresses. We should emphasize, however, that progress in eliminating WMD and missiles is the *sine qua non* for progress in the political realm.

As a professional verifier and the coordinator of the U.S. interagency effort, it's my hope to assist and to verify Libya's fulfillment of its courageous and commendable commitments as rapidly as we can. I'm happy to say that so far, Libya's work to implement its December 19 commitments has been outstanding, and every indication so far has been that these commitments are indeed sincere.

Colonel Gadhafi made an historic decision to bring his country into compliance with crucial treaties banning weapons of mass destruction. This was not an easy decision for him to make and he deserves credit for doing so. The United States, the United Kingdom, and Libya have worked together as a team to eliminate Libya's WMD programs and to normalize relations between Washington and Libya. We only hope that states with even more advanced nuclear weapons programs like Iran and North Korea will learn from Libya's example and agree to rejoin the community of civilized nations and give up these terrible weapons.

Thank you for inviting me here today.

The CHAIRMAN. Thank you very much, Secretary DeSutter. I'll ask that we have an 8-minute period of questioning for each member. We'll try to stay as closely as we can to that time frame so that we may all be heard. We will have time for additional questions later if required.

I'll begin the questioning. Based upon President Bush's speech at the National Defense University, which I was privileged to witness and which I agree was a comprehensive statement, one of the comments that has been made by others—not by the President specifically—about the negotiations that we are now involved in in North Korea, or with the six countries thinking about North Korea, is less the fact that North Korea might use a nuclear weapon, but rather the black market affairs that come with having the materials, whether they be plutonium stripped off of rods or missile technology or various things that have been marketable.

One of the amazing things about the A.Q. Kahn story is the amount of merchandising over the better part of a generation, not just simply in the last few years. Whether we were observant of it or not notwithstanding, the fact is that people have been receiving and shipping back. I think that the President was making the point that the great danger in the war against terrorism is the fact that cells, small groups of people, non-nations, places with no return address, can appropriate this material, can take advantage of the research, the trades, the development, the expertise of others on the cheap. Maybe they can steal it successfully. Certainly our friends in Russia are deeply worried about Chechnyans doing precisely that within Russia, leaving aside the manifestations in the Middle East or elsewhere.

Now, in the case of Libya, this is an extraordinary opportunity which you are working on, first of all in your effort to inventory what happened and what is there physically. For example, in the chemical weapons destruction situation, what we know is that we enter another year at Shchuchye in Russia in which we still have not yet constructed the facility that would be required for neutralization of one-seventh of the chemical weapons of Russia plus maybe two-sevenths more that may come in to the common situation. The 40,000 metric tons minus maybe 600 are still there after all this time.

I hope that your own testimony, your own witness within the Department, within the administration, will inform the President, the Secretaries of Defense and State, Dr. Rice, and others, of how enormous this problem may be. This is expensive work. Congress has been appropriating money for years for this facility at Shchuchye, which is still nearing completion. Hopefully they will get there in 2005.

The fact that you discover the material, even inventory it, doesn't dispose of it. By taking aircraft out to Oak Ridge, this does dispose of whatever you take out, such as machinery, plans, materials. But let me just indicate that even here we are stymied right now with the Russians in terms of plutonium destruction that they finally agreed to. In part it's their fault, they are not negotiating very easily. These are liability agreements that we need or that the other members of the G-7 may need. They want to help us, and life is never meant to be simple in this respect. The destruction of plutonium is very important, as is the destruction of the chemical weapons.

The appropriation of the nuclear material is very important. Here we have a new problem. The uranium industry in the United States, the domestic uranium industry says we're not sure we want so much of that Russian uranium being brought to the United States. And we say, hang on here. In terms of national security, proliferation, you heard the President. We want to buy the material as we already negotiated, to get it out of Russia, to get it here maybe for world peace. If you're in the uranium business locally, you may say, well, it depresses the price of uranium in the United States. It affects supply and demand. We're not sure we want so much.

These are facts of life with regard to proliferation dangers in the world now in terms of the most obvious stores. In Libya, even as you discover these things, are you attempting to bring about a program that is utilizing the Defense Department, the State Department, Energy Department, any other department? Would it be likely to describe a budget, a timeframe, to the Congress, to the public? Otherwise, we're going to have a situation in which we have it pretty well inventoried, have it pinned down. We will keep asking questions. Are the Libyans reliable? Is it still there? Are they selling it someplace? Have we destroyed it yet? Maybe we'll have a hearing 2, 3, 4 years down the trail with many of the same questions. We need not go through that exercise if the planning is comprehensive now.

Let me just conclude by saying I mentioned the Nunn-Lugar business to begin with simply as a case in point, not as the definitive way to destroy it. But after arduous work, members of this committee were very helpful in saying, finally our government can actually utilize Nunn-Lugar money outside of Russia. Thank goodness, a no-brainer. And yet, were it not for a lot of opposition, it would have happened a long time ago. This is hard for me to understand, but nevertheless these things occur in political life.

Fifty million dollars could now be spent, and here Libya comes along and we say, why haven't you used it? Well, hang on there. You've got sanctions, and if you have any sanctions you can't use Nunn-Lugar money there. Well, our feeling is we better lift those

sanctions. In other words, we may be forced to sit there and to say \$50 million unavailable, a very small State Department fund is all we can do, partly because we don't have the gumption simply to get rid of whatever the sanctions are so that money can be used. This defies common sense.

Now, you're working at it hard, I know. I raise this question publicly because it's a serious question. Even after we get into some degree of flexibility with money, it doesn't necessarily flow. Ditto for the training of the Libyan scientists, who sort of like the iteration of the Russian ISTC program, International Science and Technology, which may want to be converted to doing better things than weapons of mass destruction.

Can you give me any confidence level that these are considerations you have as planners? If you can't give me a confidence level, how are you proceeding so that there will be a framework to talk about?

Ms. DESUTTER. Thank you, Senator. One of the things that's probably worth saying out loud is that Colonel Qadhafi's statement was made on December 19, we are here in the last week of February, and we have done a remarkable amount of work, working around the sanctions for the most part.

It has been the best case for a verifier. There are many cases that we deal with as verifiers that are not best case. This one is. Why? It is because there was a strategic commitment that that country has been in the lead in working on. Our British counterparts are probably going to be taking the lead on part of the redirection effort, but we will be right there with them. We are proceeding at pace with all of that.

Now, while we have been using the NDF money more than any other funds, that is certainly true, it is also true that I am pretty aggressive in trying to figure out how to spend whatever pots of money I can get my hands into, and we're taking a look, especially as some of the equipment has come back here, can that equipment be eliminated here.

With regard to chemical weapons and the elimination, we are working very closely with the Libyans and also with the OPCW because one of the things is the way the CWC was constructed, it was to give a strong incentive for countries to enter in early. Conversion, all of that gets a little bit harder. We're trying to work through that. We're going to work as hard as we can to support them as we have bilaterally with other countries in setting up destruction agreements and to help them any way we can.

So we are mindful of all of those, we are—the first phases of this have been primarily what I call elimination by removal, but we are looking down the road to the rest of this. This will not, I think, be something, with the exception of, and we have told the Libyans that we'd like to work out some way with them to have some ongoing relationship along these lines, just to make sure that everybody is comfortable with the level of transparency.

The OPCW, they will be full parties, they are now full parties of the CWC, and we expect the CWC process to be moving forward, as well as their relationship with the IAEA. They have said that they will proceed as if the additional protocol is in force for them,

and that they intend to become parties to the additional protocol. All those pieces should be moving forward.

The CHAIRMAN. Well, thank you very much. I point out, as you know, that even after countries ratify the Chemical Weapons Convention, the CWC, which we did here in the Senate, and which the Duma did in Russia, actually getting the job done is another story. You know the treaty stipulates that we destroy all of this in 10 years. There's not a ghost of a chance that that will happen in twice that amount of time, I think, in Russia. This despite the fact that both sides entered into the treaty with goodwill. There's money and the need for technical expertise, for contractors, for all the rest.

Now, maybe other countries, they're not precluded from helping us in this. I am glad that you mention that you're looking at other destruction possibilities. They need not all be ours. In the absence of that, the alternative was a tough one. We'll face this with the North Koreans if in fact they agree to give up whatever they have. Who physically will destroy it? Who will get the job done? You can have one treaty after another and circumscribe it in 15 different ways. I'm just trying to get to the nitty-gritty of who actually destroys it, removes it, eliminates it, because the answer to that will ultimately tell us whether we are serious about worldwide non-proliferation.

Ms. DESUTTER. Senator, just very quickly I will say that before we left, when we had our first mission in, the Libyans did sort of a practice destruction and destroyed two of their unfilled chemical munitions.

The CHAIRMAN. Good.

Ms. DESUTTER. And have agreed, and there's a process I think that very, very soon the rest of those munitions are going to be destroyed rapidly. I'm about as skeptical as people get and what we've seen is on the ground it's really working, they're really doing this, they are really fulfilling their commitment.

The CHAIRMAN. Thank you. Senator Biden.

Senator BIDEN. Mr. Chairman, you are so boringly logical. You are an anachronism in this place. Your logic is so compelling it's amazing how it's consistently ignored. You know, there was a movie years ago, "Cool Hand Luke," about a chain gang, and there was a guy named Paul Newman in the movie and he was in the chain gang, and the boss man who was running the chain gang said, "what we've got here is failure to communicate." We have got ourselves—not the two of you, just generically—a failure to communicate.

The administration witnesses use the words, we'll try to help them. We ain't helping them. It's helping us if we destroy Russia's chemical weapons. It ain't helping them if we destroy the weapons in Libya. It is helping us.

I think, and I'm not being facetious, I think that is the central dilemma. We keep talking about spending Nunn-Lugar moneys or any other moneys as if we're doing other countries a favor, and the countries that have these weapons are countries that, as they say in southern Delaware, ain't got no money. Russia, with its entire defense budget, is less than \$11 billion. They ain't got no money

to destroy the weapons to help them. We need a lobotomy here. We need a mind set in this place and we need a mind set in this town.

And I have a question I don't expect you to answer because I'm not being facetious, it's above both your pay grade and mine, but I'm going to formally ask the question to be transmitted back to your superiors. Would the administration be willing to amend Nunn-Lugar to eliminate the prohibition if there's sanctions in existence to be able to spend the money? We act like disarming WMD is a favor for somebody else, and I find this mind-boggling.

And by the way, it's not just the administration. We have some of our guys and women here in the Senate who when the distinguished chairman brings up these points, talks about fungible money, fungible funny money, if we go ahead and spend our money to destroy—what is it, close to 2 million chemical tipped artillery shells. If we spend our money to build a facility to render them useless, drill little holes in the bottom, take out the offending material, crush the canisters, dilute the material, that means they'll have money to spend on other bad things. Give me a break.

I can't fathom what is more threatening to the United States of America than all these chemical stockpiles, weapons, and the like. And I'm going to get in trouble with the chairman here, but the President asked us to come down and talk to him about pursuing, which we did, in good faith the Moscow treaty. And the chairman made a very simple point. If we meet the goal of the Moscow treaty that in 10 years with no benchmarks we're going to get down to a certain number, it's going to cost billions of dollars to get down to that number. They don't have the billions of dollars and we don't seem to have the inclination to find the billions of dollars to go destroy the weapons that they may be willing to destroy.

Again, not a criticism of either one of you, but I think it's important for the public that listens to this discussion to understand that there's not only the chairman is committed to the logic of his argument, there's others of us are too. And I really think the President should think about, with all due respect, coming up with an agreement whereby we could amend Nunn-Lugar, that he would support with the political capital he has in this place now end this mindless debate about whether we're helping them or helping us, like this is a zero sum game. And I'm not picking on you, Madam Secretary, because I wasn't suggesting you didn't think it helps us as well.

And all the reporters out there, I want to remind them, when we send folks to go destroy those bad things that could be used against us by terrorists or anyone else, we pay American contractors to go do it. We don't write a check to the Russian Government, here, go destroy the weapons. We hire Americans. Americans go do this by and large. So it's not like we're even giving them the money.

So I really hope we can start to think about this, because the degree to which, Madam Secretary, you are successful, and you have been very successful here, the irony of all ironies is, the more successful you are, in a bizarre way, the worse off we may be, in the sense—that's an exaggeration—that you still got to destroy this stuff at the end of the day.

I want to ask Secretary Burns a question if I may in the minute or so I probably have remaining, if it's that long. Did the seizure of the shipment of the centrifuge parts play a part in Tripoli's deci-

sion to finally come clean with the U.S. and the U.K. inspectors to view multiple sites? I know this is dangerous psychoanalyzing what the heck made Qadhafi do what he did and so on—but I mean, how do you guys calculate, because it's important to figure out whether or not there's lesson from this that apply to others.

For example, Flynt Leverett, former Senior Director of the National Security Council and member of the State Department planning staff, wrote in the January 23 New York Times that Libya began to seek improved relations with the United States all the way back in 2001 and was told to settle the Lockerbie case first.

Leverett goes on to say in that article, he says, "this is the context in which Libyan officials approached the United States and Britain last spring to discuss the dismantling Libya's weapons program. The Iraq war, which had not yet started, was not the driving force behind Libya's move. Rather, Libya was willing to deal because of credible diplomatic representations by the United States over the years, which convinced the Libyans that doing so was critical to achieving their strategic and domestic goals, just as with Lockerbie an explicit quid pro quo was offered."

"American officials indicated the verifiable dismantling of Libya's weapons project would lead to removal of our sanctions perhaps by the end of the year. The lesson is incontrovertible. To persuade a rogue regime to get out of the terrorism business and give us the weapons of mass destruction, we must not only pressure but we must also make clear the potential benefits."

Is that a fair analysis in your view? Again, I'm trying to figure out what got them there and whether or not it's applicable to other places we know we have to go, and that's my question. Thank you.

Mr. BURNS. Thanks, Senator Biden. I think as Senator Lugar suggested before, there are a range of factors that entered into the thinking of the Libyan leadership and Colonel Qadhafi, and they date back several years.

In answer to your first question, I think it's true that the interdiction of that vessel was one of those factors. I think the President's resolve, particularly since September 11, and the resolve shown not just by the administration but by the Congress and the American people is another important factor.

I think the fact that sanctions which were begun in the first Bush administration, sustained through the Clinton administration, also began to drive home to Libyan leadership that its isolation was setting it further and further back economically, socially, and many other ways.

I think the fact that during the course of the Lockerbie negotiations, which I was involved in the last 3 years, but which date back several years before that, we were very dogged in insisting that there are no short cuts here and that you had to meet the four security council obligations.

I think all of those factors combined helped to bring the Libyan leadership to the point that it recognized that the best choice for Libya was to take the direction that it took in the Lockerbie settlement, which was formalized last September, and then in the announcement on the 19th of December.

Senator BIDEN. Along the way, were there explicit carrots offered as well? If you do this, then this will happen?

Mr. BURNS. Well, with regard to the Lockerbie negotiations, we were very clear in saying that, again, there were no short cuts, you had to meet those four obligations laid out in Security Council resolutions, and in return for that there'd be first suspension, then lifting of the Security Council sanctions. We made equally clear during that time that that was not a free ticket for admission to—and bilateral sanctions—we made very clear on the margins of the Lockerbie negotiations that weapons of mass destruction were a very big concern for the United States and would be a very big obstacle in the path of moving ahead to ease those bilateral sanctions.

Senator BIDEN. Bilateral sanctions?

Mr. BURNS. Yes, sir. And so we wanted to be clear that this was going to be a step-by-step process in which positive Libyan steps would be reciprocated by the United States, and again, there were no short cuts, and that was the same philosophy in Lockerbie as with regard to WMD.

Senator BIDEN. Both be complimented. Thank you.

The CHAIRMAN. Thank you very much, Senator Biden.

Senator Chafee.

Senator CHAFEE. Well, thank you, Mr. Chairman. I commend you on everything you're doing in the relationship with Libya, making great progress. Libya does have proven reserves of 440 billion barrels of oil and the quality of its oil and the low cost of its production are some of the best in the world. In fact, in 2003, a survey by an oil research company, Robertson Research, rated Libya the best oil and gas prospect in the Middle East and the second best in the world.

And how would you respond to the criticism that there's a double standard because of this dynamic and how we deal with North Korea, for instance, and Libya? I'll ask Secretary Burns.

Mr. BURNS. Well, Senator, I can really only address the Libya portion of this since blessedly North Korea falls outside my area of responsibility. On Libya, clearly this is a country that has enormous potential wealth. It's been mismanaged economically. One of the things that's most encouraging about the choice made recently by Libyans is there also seems to be an interest in economic modernization, opening up the economy.

If the Libyans continue to perform on their obligations, we've made clear that we're prepared to continue to move ahead toward easing and ultimately lifting the range of our sanctions. That will open up opportunities for American companies, but I think more broadly it'll open opportunities for the Libyan people to begin to take advantage of that wealth and open up opportunities for themselves, and I think that ultimately creates the best kind of lesson or example for others around the world.

Senator CHAFEE. Do you think you could take the experience that you've had with Libya and see it translated somewhat to North Korea, although, as you say, that's out of your jurisdiction?

Ms. DESUTTER. Senator Chafee, let me take a try at it.

Senator CHAFEE. OK.

Ms. DESUTTER. One of the things that we've seen in Libya is a genuine—and the reason I say it's genuine is that we've seen proof on the ground, we're seeing proof in the elimination—a genuine

strategic decision to walk away from the WMD world. They've walked away from those programs lock, stock, and barrel. I am convinced of that, Senator Lugar—

Senator CHAFEE. If I could just interrupt for a second. I know we use the term WMD all the time. Is there a definition of that term?

Ms. DESUTTER. In this case it is contained in Colonel Qadhafi's statement of December 19 as then subsequently reflected in agreement papers that we have with the Libyans. It includes—they have said that they did not have an offensive biological weapons program, although they had done some work early on, that they had conducted, that they had pursued a nuclear weapons program, that they were pursuing this and they were pursuing it rather aggressively.

They had a chemical weapons program that was offensive in nature. We're seeing that being eliminated and—

Senator CHAFEE. If I could, I'll just interrupt one more time. To use the example of Timothy McVeigh, I believe he used a truckload of fertilizer to kill 150-odd people, so the definition of weapons of mass destruction as you negotiate, is there a clear, internationally defined definition of that term?

Ms. DESUTTER. What they had in, for example, the chemical weapons program was that they had large stockpiles of sulfur mustard. They were working on a nerve agent program. They were working on a binary program. They had aerial munitions that they had worked to fill. I may have brought one with me, one of the bottles that they gave us that we're going to constitute those. There is no question this was an offensive chemical weapons program.

They had nuclear weapons design documents that they hadn't, as near as we can tell, built any nuclear weapons, but they had a program that was designed to give them the material in order to enable down the road a nuclear weapons program.

Make no mistake. What Libya has agreed to eliminate, what they are eliminating right now really was in the classic sense a weapons of mass destruction and their agreement to undertake the elimination of that program is very, very significant for everyone. One of the points that I would make in response also to Senator Biden's question is that the reason we say that we are helping the Libyans to destroy, along with our U.K. partners, the Libyan program is not because we believe that it is not in our interests. It is because what we are assisting in is their fulfillment of a commitment that they made unilaterally.

Yes, there was a dialog with the U.S. and the U.K. Libya is the one that made that decision, Libya is the one that is eliminating it. To contrast that with North Korea, North Korea has not made a strategic commitment to give up its nuclear weapons program, neither in my view has Iran. Those are significant differences in terms of our ability to achieve the kind of relations that Assistant Secretary Burns has indicated we are trying to move forward with in Libya.

These are significant differences. We hope that the Libya process, that the Libya decision will serve as a guiding principle and a model for other WMD countries to move forward to be able to have the kind of relationship with the United States that we would be happy to have with those countries. Weapons of mass destruction

is a clear impediment to being an operating member of the international community, as well it should be.

Senator CHAFEE. Well, thank you very much. My only comment would be, yes, negotiations don't start with them. I would suspect with unilaterally agreeing just to abandon the weapons of mass destruction program, it's a series of meetings, it's a serious of negotiations, and to me I don't see that happening in North Korea. But that's all the questions I have.

Ms. DESUTTER. I would just note that Assistant Secretary Kelly is meeting with North Korea as part of the six party talks as we speak.

The CHAIRMAN. Thank you very much, Senator Chafee. Senator Nelson. All right, I'm going to defer to Senator Feingold. Senator Feingold. Senator Nelson?

Senator NELSON. Thank you, thank you, Mr. Chairman. I'm curious. After the Six-Day War, Libya's significant and ancient Jewish community numbered 40,000 and they were expelled and virtually all of their assets were confiscated by Libyan authorities. So as we begin this new relationship with Libya, it would be appropriate to address issues of compensation and restitution for this community. Tell me what you have been thinking about on this issue and what plans do you have to raise this issue with the Libyans?

Mr. BURNS. Senator Nelson, thanks for raising the issue. Our focus up until this point has been very much on ensuring that the Libyans follow through on their terrorism and WMD commitments and then beginning to look at ways in which we can ease our own sanctions to offer some positive reinforcement for that. I'd be glad to look into the issue that you raised and get back to you with a clear answer.

[The following response was subsequently received.]

As much as three-quarters of Libya's 40,000 Jews emigrated to Israel in the years immediately after its founding. The violence sparked by the Six-Day War in 1967 prompted all but a few hundred of Libya's remaining 7,000 Jews to flee. Those who remained to witness Colonel Qadhafi's 1969 revolution saw Jewish communal and personal properties confiscated and the cancellation of all debts owed to Jews.

We are in the beginning stages of a political dialogue with the Government of Libya. Our bilateral talks touched upon this issue while I was in Tripoli and I encouraged efforts to reach a settlement. We have been in contact with the American Libyan Jewry Association and are aware of their efforts to pursue compensation.

The U.S. supports the general principle of compensation for property confiscated by the state, particularly because it promotes the rule of law, respect for property rights, and tolerance of minorities. As we have learned from our experience in Eastern Europe and the Former Soviet Union, issues of compensation and restitution present many complicated concerns. There is a delicate balance that must be struck between the interests of the original property holders and current owners and occupants of confiscated properties. Documenting original ownership is also frequently difficult. In addition, while we can urge settlement of claims in principle, there are limitations on the types of individual cases that we can formally present to Libya.

Senator NELSON. We do it with other countries, so clearly we ought to. And somewhere in the course of your comments, I'd love to hear how you think that the Iraq war might have, from your perspective, influenced Qadhafi in his decisionmaking.

Mr. BURNS. Senator Nelson, I think all I would say is that it's very difficult again to sort of understand the thought process that produced the historic decision that was announced on the 19th of December, and that for that matter also produced the decision to

essentially move out of the terrorism business and reach the Lockerbie settlement.

As I said before, I think there are a variety of factors that came into play. I do believe that President Bush's resolve, the resolve of the United States as a whole with regard to Iraq as well as with regard to the broader war on terrorism was one of those very important factors in shaping the decisions that were made. I think we have an interest now in helping to demonstrate that those were the right choices and to help show the Libyan people through some of the steps that were announced by the White House today and hopefully steps that we can take in the future, assuming Libyan performance continues, that this is enormously beneficial to the Libyan people. It opens up opportunities for them that the pursuit of terrorism and weapons of mass destruction essentially denied them.

The CHAIRMAN. Thank you very much, Senator Nelson. Senator Feingold.

Senator FEINGOLD. Thanks, Mr. Chairman. Thanks to both of you for your testimony. Secretary DeSutter, have we uncovered any information indicating that Libya sought to share technology relating to weapons of mass destruction with other states or actors? Is there anything that you can tell me about this in this forum?

Ms. DESUTTER. Senator, we have not gotten any evidence to that effect to date. One of the things that is certainly true is that we are certainly learning more as we go on the ground and we will begin putting a little bit more emphasis on having additional dialog with them. For the first 2 months, our emphasis has been on removing things. We'll try to understand better. But thus far I can say that we have not seen such evidence.

Senator FEINGOLD. Thank you. Secretary Burns?

Ms. DESUTTER. But—I'm sorry.

Senator FEINGOLD. Excuse me. Go right ahead.

Ms. DESUTTER. I would just add that a part of why our emphasis has been on the elimination aspect of this has been precisely because while we believe the commitment is real, while we know that the Libyans have made this decision, we want to preclude that. That's why we took out the most proliferation-sensitive items early on.

Senator FEINGOLD. I thank you for that. Secretary Burns, how stable is Libya internally in your view and who is the most plausible successor to Qadhafi at this point?

Mr. BURNS. On the succession issue, I don't at this point have a clear answer to offer you. It's a political system that has had its share of stresses and strains. I think there's a recognition on the part of the Libyan leadership, and Colonel Qadhafi in particular, that economic modernization beginning to sort of shift direction in terms of how the economy is managed and we hope over time in how the political system is managed in terms of respect for human rights and other issues is a direction that's going to serve the best interests not only of the Libyan people but of stability in Libya, because I think throughout the Middle East you see the reality that stability is not a static phenomenon. If societies don't adapt and get out ahead of the pressures, whether they're demographic or eco-

nomic or other ones, they tend to stagnate, fall further and further behind.

And so I hope that the decisions that the Libyan leadership has made with regard to terrorism, with regard to weapons of mass destruction are a part of a broader process in which the economy is modernized, in which there is a greater institutionalization and respect for human rights in which Libya's behavior in Africa and elsewhere around the globe begins to turn in a direction which we would view as more constructive, and I know that's been a concern of yours over the years. And that is also something that's an important part of our dialog with the Libyans, because a more normal relationship with the United States is going to rest on tangible progress in the areas of terrorism and WMD, but those other factors are also going to be important as well.

Senator FEINGOLD. I'm glad you mentioned the human rights issue, because Libya's record is dismal, and you seem to have just indicated that human rights are already an important part of our discussion. In the just released human rights report, the State Department refers to torture, arbitrary arrest and detention, political prisoners, and government restrictions on freedom of speech, the press, assembly, association, and religion.

So you're saying that you're already heavily engaged in these conversations with the Libyans?

Mr. BURNS. Yes, sir. As the most recent human rights report that the State Department issued yesterday makes clear, Libya's performance, its record on human rights is poor, just as you said. We will continue to raise this issue and make clear that in the interests of a truly healthy relationship with the United States—but, again, more importantly than that, the kind of Libyan society that's going to benefit its people, those issues need to be addressed.

As one example, we raised in my last conversations in London the value of allowing representatives of international human rights organizations like Amnesty International to travel to Libya. After those meetings in London, the Libyans did allow two representatives of Amnesty to come and observe a trial in Libya, and I think that's a positive step. And we are going to continue to try and reinforce some of the comments from members of the Libyan leadership who have talked publicly, for example, about the value of looking at prison conditions, of allowing access for the ICRC, and those are the kind of things that we want to reinforce, again in the interests of a healthier relationship with the United States.

Senator FEINGOLD. I thank you for that. Does any budget transparency exist in Libya? Do Libyans have any idea how much the government gains in oil revenue annually, and does anyone have a sense of how those revenues are then spent? Does the administration plan to meaningfully address transparency issues before opening the flood gates to new investment in the oil sector?

Mr. BURNS. Well, I think, Senator, one thing that's been encouraging, if you look at the debate within Libya over the course of the last year or so, have been the number of Libyan voices who have been talking about modernizing and opening up the economy, precisely for the reasons you described, Libyans who recognize that this isn't a favor to the United States or the international community. It's in their self-interest to take those kind of steps, and we

will certainly do all we can to encourage that as we continue to continue our dialog with the Libyans.

Senator FEINGOLD. This may, like North Korea, be out of your area, but I think it's very important, and that's the nature of Libya's current involvement in certain African countries. To the extent you can, describe the nature of Libya's current involvement in Zimbabwe.

Mr. BURNS. Generally, Senator, as you well know, Libya's behavior has created significant problems for us in Africa over the years. Now, there have been indications, both in what the Libyan leadership has said publicly and in what they have indicated in private discussions that they are interested in playing a more constructive role in Africa. That's something obviously that has to be seen, not just promised, but it's obviously something that we want to encourage, because it is possible that Libya could play a more constructive role in Africa than it has to date.

There have been problems, as you suggested, in Zimbabwe. There have been problems in Liberia and elsewhere.

Senator FEINGOLD. As far as you know, the less than helpful involvement in Zimbabwe by Libya still continues?

Mr. BURNS. I can get back to you with a clearer answer on that, but I think we still have concerns about Libya's behavior—

Senator FEINGOLD. Central African Republic?

Mr. BURNS. Again, I think we continue to have concerns there. As I said, the Libyans are about to host in the next couple of days an extraordinary summit of the African Union, and part of their rationale for doing that is to try and play a more constructive role by contrast to their behavior in the past.

So, again, we'll see it when it happens, but we will continue to try and encourage that.

Senator FEINGOLD. Well, instead of keeping—asking you these, I'll just ask for you to get me what you can on Zimbabwe, Central African Republic, whether Libya retains any investments made in Liberia under the Taylor regime, and also to be sure that these are pursued aggressively.

Mr. BURNS. Sure, I'd be glad to, Senator.

[The following response was subsequently received.]

As an active member of the African Union, Libya should play a constructive role in promoting peace and prosperity in the region. For the past three decades, Libya has funded and supported various revolutionary insurgencies and anti-Western regimes throughout the African Continent. Libya has sought a leadership role in Africa, typically through lofty, but impractical Pan-African initiatives.

On February 6, Assistant Secretary of State for Near Eastern Affairs William Burns began a political dialogue with Libyan officials on a broad range of issues, including Libya's foreign policy in Africa. As our bilateral relations deepen, this issue will remain an important part of the U.S.-Libya agenda.

Central African Republic

A coup in March of 2003 in the Central African Republic (CAR) ended the reign of former President Patasse, a long-standing ally of the Qadhafi regime. Although Qadhafi had previously supported the CAR leader, both economically and militarily, he stood clear of any military involvement during the uprising that removed Patasse from power and led to the installment of General Francois Bozize.

Qadhafi has recognized the change of regime in the CAR and attempted to reestablish bilateral relations between Libya and the CAR, as indicated by a meeting between Qadhafi and Bozize in Chad on July 7, 2003.

Liberia (Taylor)

The training and assistance that Qadhafi provided to Charles Taylor has been a point of concern since the early 1990s when Taylor came to power. As Taylor lost his grip on power in August 2003, Qadhafi refused to provide Taylor and his associates asylum.

To our knowledge the only substantial financial interest that Libya maintains in Liberia is real estate. The UN Mission in Liberia is considering using one of these facilities as their headquarters.

Zimbabwe

Relations between Zimbabwe and Libya are historically close, with Libya supporting Zimbabwe's independence struggle and each country's condemning sanctions imposed on the other. Relations are currently somewhat strained by the collapse of a barter deal under which Libya was providing seventy percent of its fuel needs in exchange for a range of Zimbabwean banking, mining, fuel infrastructure, real estate, and agricultural assets. The deal collapsed in early 2003 due to disputes over the values of assets and Zimbabwean failure to hand over assets it deemed strategic. Attempts to revive the deal in mid-2003 failed and it appears that Libyan fuel shipments to Zimbabwe have largely ceased. Libya still seeks to build its influence in Zimbabwe, however, and reportedly donated 6,000 metric tons of grain in December 2003.

Senator FEINGOLD. Finally, I just want to say, I want to be clear that I certainly agree with my colleagues that we, as many of you have said, that we should not wait to move forward on destroying Libya's WMD even in the absence of progress on some of the other issues that I've been raising. I just want to be clear about that. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Feingold. Let me just pick up on Senator Feingold's final comment. We all have been very aggressive today, as you could tell, about getting on with this, but so have you been, Secretary DeSutter. You point out that in a very short period of time 55,000 pounds of a lot of stuff went out to Oak Ridge. It's there now, and that's precisely the sort of action that this committee would want to see, as opposed to a long wind-up, endless negotiations, finding reasons why you couldn't do it, and so forth. You did it. The window of history opened and it might not stay open very long.

Now, that's, I think, the point we're making now. On the other hand, it could stay open for a long while if American diplomacy works, quite apart from our effectiveness and proliferation. I think that the questions that Senator Feingold raised were important in that respect because many of us are curious about what the relationships still are with people in Libya. We do not know that much about their political system, about leading figures beyond Mr. Qadhafi and others.

In other words, are there ideologues in Libya? Even if President Qadhafi comes to a point and says, listen, we have an opportunity to enlist oil companies throughout the world, to make investments here, to bring wealth to our country, we still will have extraordinary opportunities to engage in constructive ways. Yet suddenly down in the weeds there are other Libyans who have been playing a different game for a while. They're still fooling around in Zimbabwe or wherever else, because this is what they've always done. They've been operatives who thought ideologically something ought to happen in that way.

As to the issue of control, now that we're dealing with the government, is the government effective? Does it have control, or is it

a set of diverse minds? Has a consensus of the future course of the country come about? Do you have any feel for this, or is it too early to tell?

Ms. DESUTTER. Senator, one of the things that I would say is I think it's just that thought process that led Secretary Powell to refer to this on a number of occasions as a verification process. What we've seen thus far has been tremendous, but we are not going to move only so far and not try to understand the full picture. Thus far, what I can say, as openings take place, as the dialog continues, we will continue to learn more that will increase our confidence over time, but we are continuing to do that. Thus far, the record that we have seen has been absolutely amazing.

The CHAIRMAN. On that basis the President made his announcement today of the lifting of these five sanctions. Is this simply because we are optimistic that there's a lot going on there that ought to be encouraged?

Mr. BURNS. Yes, sir. Mr. Chairman, I think that's exactly right. I think what's been demonstrated so far with regard to the issues of terrorism and WMD is an ability thus far for the regime to follow through on commitments it's made, so that level of control seems clear.

It also seems clear, as you suggested, that it's important, and the President made this clear in his own announcement on December 19, that as Libya takes these steps, it's important for the Libyan people, for the people involved in the sort of debate that you described to see that benefits can result from making the right choices.

That's why we've tried even in this first set of announcements that the White House made today to look for a couple of symbolic but I think very useful steps. For example, sending a team of U.S. experts to Libya to look at ways in which we could help in the health care system, look at ways in which we could help Libyans deal with infectious diseases like trachoma. And that is an indication on our part both of the value of showing that these are the right choices, but also ways in which we can help realize those possibilities.

The CHAIRMAN. And there are Americans on the ground dealing with these health problems, as well as other situations that are going to be observed by Libyans?

Mr. BURNS. Yes, sir. There's a team that's leaving in a couple of days that'll be there for some time and have a chance to travel around the country and then offer our best advice and our assessment of steps that could be taken to benefit Libyans.

The CHAIRMAN. Let me then pursue this question. The summit conference of other nations that you described is coming to Libya. Now, if I were a Libyan statesman at this point, this would require some very sophisticated reasoning as to what sort of presentation we're going to make. For example, Libyans may say a new day has come to Libya and a new day could come for you. In essence, we've worked out an accommodation with the United States, with Great Britain, with others, and as a result, we're headed off to a bright new future.

Now, my guess is that a good number of the states come to visit with them are still of a mind that the future's pretty dark. Their

relations with us, that is, the United States, are not all so good. Some are better than others. Having cheerful Libyans telling them that Americans might be good people, that they might be worth dealing with may not settle well right off the bat. We're talking about the Libyans changing their mind set. They're about to deal with a whole group of people who have mind sets, and in one conference day or two they may not be able to change their minds. Still, this is sort of an important juncture.

In terms of our diplomacy, what, if anything, are we doing to inform all of the parties who are coming to that meeting of what we perceive to be the facts on the ground? In other words, what are we doing so that the discussion that occurs among these sovereign nations occurs with as much factual background in the new developments as possible? The news may not always have spread accurately, given the press in various countries, or the dissemination of information. Here, it seems to me, we have a remarkable opportunity for public diplomacy in a very concentrated way in a concentrated meeting.

Undoubtedly you have worked through that. Can you describe, or give any confidence level as to what we might do to influence the meeting?

Mr. BURNS. Well, Senator, with regard to that meeting as well as generally our contacts with Libya's neighbors, we've tried to be very clear and transparent in highlighting not only the steps that the Libyan leadership is taking on terrorism and WMD, but also the kinds of things that we're doing in return. The President has set the tone for that in his own public comments. Today's White House announcement is a first tangible step in that direction. I'll meet with the Libyans again next month to begin looking at the next phase of steps that we might take in return for steps that they're taking on the ground.

So I think the results that we're looking for are a process in which they've followed through on their obligations and we've also followed through on the President's statement that the sorts of commitments that Libya has made as they're followed through open up a real path to better relations with the United States, and hopefully that will have an impact on the calculations of other countries in the region.

There's no one-size-fits-all solution, but I think it's a very important opportunity for the United States to show that this path can be a successful one, not just for us, but for Libyans and potentially for others in the region and around the world.

The CHAIRMAN. The reason I stress this is that for the better part of 15 years more or less, the world rejoiced that countries, whether it was Brazil or South Africa, came to a conclusion that pursuing a course of weapons of mass destruction was not going to be best for their destiny. They came to these judgments and they got out of the business.

Suddenly we have a terrible reverse. India tests, and right following that Pakistan tests, and then what seemed to be a remarkable course of history took another turn that was very sad. With Libya we have the possibility that history won't go in a straight line. We once again head back into better territory, but only if other countries come to a conclusion that Libya is right, all things

considered, and that in this particular world right now as things stand, going into the subterfuge of weapons of mass destruction programs as they were doing not only wastes resources, it's disastrous for the economy and for the living standard of the people. It is bound to be a loser vis-à-vis the United States and other nations that are less and less tolerant of even the potential of proliferation, quite apart from the country, supposedly in terms of self-defense, having such weapons.

This is why this meeting they're about to have is not the be-all and end-all. It's going to be the beginning of several meetings in which countries come to some conclusions about their destinies, and maybe advise others. We don't know yet all of the trades—quite apart from A.Q. Kahn—but of the North Koreans or of everybody else, but we're going to find out a great deal. It's all sort of spilling out of the cupboard at this point.

The question is whether the momentum of that leads us to truly winding up this situation, or getting our arms around it, so that there's a very definite change in the quality of security. I'm optimistic, as you must be, too. We have to be optimistic in terms of the future of this country and our security, quite apart from that of other countries. These are crucial moments to take the right steps decisively and confidently. Those include diplomacy and public diplomacy, as well as the physical steps of jerking this stuff out and taking it to Oak Ridge or wherever we can take it.

Let me ask Senator Chafee, do you have another question?

Senator CHAFEE. Yes. Just quickly, just following up on what you're saying, Mr. Chairman, is, as Senator Biden said, jaw jaw jaw is better than war war war, and I hope that in North Korea, as you said, the Secretary said, that Secretary Kelly is there now, and previous meetings have kind of disintegrated, but I hope they'll continue to jaw jaw jaw and maybe you'll have the same progress we're seeing here in Libya.

I do have a question for Secretary Burns. What's the administration's position on congressional visits to Tripoli and Libya?

Mr. BURNS. I think to date, Senator, there have been three and there's a fourth in the offing now. I think they've had a very constructive effect. I think the opportunity for Libyans, both in the leadership and outside of government, to see Americans, to see representatives of the legislative branch as well as the executive to the opportunity to reinforce the broad message that this is the right choice for Libya and for the future of U.S.-Libyan relations, to hear that from Members of Congress as well as from those of us in the administration is a very constructive thing.

So the short answer to your question is that we'll continue to encourage it and look forward to working with you to help in both the arrangements and to offer whatever analysis we can.

Senator CHAFEE. Thank you.

The CHAIRMAN. Thank you, Senator Chafee. I have just two more questions. One is, leaping ahead even further, there is a certain degree of privatization in the economy of Libya. I'm unaware of how you would describe this percentage-wise, but at least the concept is there. At what point is it likely to take hold to the extent that people will become much more involved? Not only small private businesses and shops, but even larger enterprises, are likely to be-

come privatized. Would this create a whole sea change in terms of the economic organization of the country?

Mr. BURNS. Mr. Chairman, there's a lot of work to be done in order to make those opportunities a reality. As I said before, I think what's encouraging is the debate amongst Libyans themselves, and you hear it from some in the Libyan leadership about the importance of opening up, modernizing the economy. It's an economy that's heavily dependent on the public sector, as you described before, where standards of living for ordinary Libyans have fallen in recent years by contrast to the fact that this is a potentially enormously wealthy country.

So that's a debate that we obviously—Libyans are going to have to sort out for themselves, but that we want to encourage. And it's not just the United States. This is a place where Europeans, where others in the region who have begun to embark on the path of reform can offer some encouragement as well, because I think that's the way to translate the opportunity before Libyans now into real progress in their standard of living and to tap into the wealth that is so obvious in the country right now.

The CHAIRMAN. Is there any background, any history of privatization or the type of enterprise that we think of? I ask this, for instance, in the context of that dramatic announcement on January 1 by Mr. Balcerowicz in Poland, when suddenly he said we are going to have free convertibility of our currency, we're going to have free markets in our economy. This was revolutionary because the whole thing was gummed up and people said, well, we're ruined.

Of course, politically, this was very costly to the people that he was associated with in due course. People said there's just too much too soon. But there was a tradition in Poland, a sufficient tradition in terms of markets and so forth, so that people still remembered what they were, even if things had been state-run and socialized for a long time.

To what extent is there any kind of firmament or background in the Libyan business that would enable people to make some decisions that would have ramifications that are pretty quick?

Mr. BURNS. Well, Mr. Chairman, I think there is some of that tradition in Libya. There's certainly the capacity amongst Libyans to develop that kind of entrepreneurial sector. There is a lot of years of mismanagement to overcome and that won't be easy. Then again, you do have a regime that's demonstrated an ability to make those kind of dramatic choices in other areas and that certainly suggests that there's at least the possibility of doing it in this area as well. It's certainly in the best interests of Libyans, and so I hope that that's the choice that they'll arrive at.

The CHAIRMAN. For the moment, oil companies in the United States and elsewhere, Europe and so forth, are eager to see how rapidly things may move along. But clearly for some time have wanted to be more active in Libya. Presumably the Libyans will want to work that out, with contractual agreements that are helpful to the state. How transparent will all this be? We have to wait and see, I suppose, how much of the wealth will be distributed, and what this will mean in terms of lubricating the banking system, the credit system, and the capital of the country.

There are enormous possibilities. From a standing start, you have these resources, and suddenly things change. This leads to the question of how well-equipped is President Qadhafi to manage this? Does he have a good number of technicians, other people, economists, wise people, and so forth, around? It may or may not have been heard before, but nevertheless, what kind of intellectual capital is available in the country right now to manage some extraordinary possibilities?

Mr. BURNS. Mr. Chairman, there are some in the government now, including some of the most outspoken advocates of reform, who have the training, the skills, I think the insights, to begin to move those reforms forward. As I said, it's, again, it's not just a question of, as we found in other societies in the region and the world, of a few people in leadership positions. You're trying to hold a whole economy and society around.

But I think the capacity exists. It's going to require a lot of hard work, determination, a willingness to make those broad dramatic choices about what's in the best interests of Libya, and I think the possibility, as you said, is enormous right now, and we will certainly do everything we can as this process moves forward, as the terrorism and WMD commitments are fulfilled, to encourage that and provide what help we can.

The CHAIRMAN. How hospitable will Libya be to NGOs, non-governmental organizations, the people that are not U.S. Government, but who come to Libya with all sorts of good ideas with regard to public health, even with regard to democracy-building. You never can tell what sorts of things might be induced in the situation. Are we at a point where these people are likely to be received? How does the evolution go in terms of outside forces, humane ones, that want to be helpful?

Mr. BURNS. Well, Mr. Chairman, it's going to be a little bit of a novel experience because that hasn't been the record of recent decades, but as I said, with regard to the example I offered on Amnesty International, there's been a willingness to do some things that haven't been done in Libya before, and certainly with regard to NGOs, private organizations that can offer help, whether it's in health care or education or economic modernization, it would seem to me that there are great opportunities there, and that's certainly something in our continuing dialog with the Libyans we'll encourage.

I think it's also something that—getting back to Senator Chafee's question that as congressional delegations travel to Libya, it's a point well worth reinforcing, so that what we see is not just an engagement between governments, but between civil societies as well.

The CHAIRMAN. Perhaps Senator Chafee is headed to Tripoli. Not yet, waiting for the lead. Very well. Do you have other questions, Senator?

Let me just thank both of you very much. As you can tell, we're tremendously engaged in the subject, as you are. We admire the leadership that you've given and that the President has given on this. We have started acknowledging this in many ways. Even as we are impatient and hopeful, so are you, we recognize that.

Please stay closely in touch. You have some friends here, as you can tell, some advocates for change, which we hope will be constructive and will come soon. Saying that, the hearing is adjourned.

[Whereupon, at 4:01 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

RESPONSES OF HON. WILLIAM J. BURNS, ASSISTANT SECRETARY OF STATE FOR NEAR EASTERN AFFAIRS, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR GEORGE ALLEN

Question 1. The Department of State has made numerous pronouncements about the absolute, non-negotiable requirement for Libya to compensate the victims of the Pan Am 103 bombing. No such public pronouncements have been made on behalf of the service men and women killed or injured in the LaBelle Discotheque bombing. What is the Department of State's position with regard to Libyan compensation for the victims of this seminal event in the Libyan war of terrorism against the United States?

Answer. We are urging Libya to address all outstanding terrorism claims of Americans, including for the LaBelle Disco bombing. Those claims are also the subject of litigation in U.S. courts.

Question 2. If the Department supports the claims of the LaBelle service men and women, how does the Department intend to notice the Libyan government that, like Pan Am 103, these claims must be satisfactorily resolved prior to the normalization of bilateral relations?

Answer. Libya's response to the UN requirements on terrorism, and its commitment to eliminate its weapons of mass destruction programs, has opened the way for direct discussions to chart a path for possible improvement in relations. Whether and how this will take place will depend upon how well and how quickly it lives up to all of its commitments.

We are in close touch with legal counsel for the American LaBelle victims. In our discussions with Libya, we will continue to urge Libya to address all outstanding terrorism claims of Americans, including LaBelle, in coordination with the claimants and their legal representatives.

RESPONSES OF HON. PAULA DESUTTER, ASSISTANT SECRETARY OF STATE FOR VERIFICATION AND COMPLIANCE, AND HON. WILLIAM J. BURNS, ASSISTANT SECRETARY OF STATE FOR NEAR EASTERN AFFAIRS, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question 1a. Section 602(c) of the Nuclear Non-Proliferation Act of 1978 requires that the State Department, among others, keep the Senate Foreign Relations Committee "fully and currently informed" regarding both significant proliferation activities in foreign countries and what the United States is doing about them.

a. Given that legal obligation, why was this committee not informed of the lengthy negotiations between the United States, the United Kingdom, and Libya until agreement was reached and made public in December?

Answer. The State Department makes every effort to keep the committee fully and currently informed about the activities of other nations that are of significance from a proliferation standpoint, as required by the statute. Since Libya announced its decision to dismantle its WMD and MTCR-class missile programs on December 19, 2003, the State Department has briefed several congressional committees and their staff on numerous occasions.

Question 2a. Please provide the background and full details regarding the origins of the U.S.-UK agreement with Libya on dismantlement of its WMD programs.

a. Is it the case that Libya proposed this agreement almost a year ago?

Answer. Libya approached the UK and U.S. almost a year ago. The agreement was reached in December 2003. Indeed, Libya did not admit to having WMD programs until after the October interdiction of the BBC China.

Question 1b. Section 602(c) of the Nuclear Non-Proliferation Act of 1978 requires that the State Department, among others, keep the Senate Foreign Relations Committee “fully and currently informed” regarding both significant proliferation activities in foreign countries and what the United States is doing, about them.

b. Why was this committee not informed of the seizure last October of a ship bound for Libya with centrifuge parts?

Answer. As noted above, the State Department makes every effort to keep the committee fully and currently informed in accordance with the provisions of the NNPA. The fact that these parts were interdicted was publicly confirmed by administration spokespersons in January. The effort to interdict these centrifuge parts was carried out by other USG Departments that are in a better position to brief the committee on how these events unfolded.

Question 2b. Please provide the background and full details regarding the origins of the U.S.—UK agreement with Libya on dismantlement of its WMD programs.

b. Was the United States involved from the start, or did Libya approach only the UK at first.

Answer. Libya approached the UK, seeking to communicate with both the United States and the United Kingdom.

Question 2c. Please provide the background and full details regarding the origins of the U.S.—UK agreement with Libya on dismantlement of its WMD programs.

c. What was the State Department’s role in the negotiations, and when did it begin.

Answer. The State Department led the interagency U.S. team in Libya assisting with the WMD elimination. It also participated in the negotiations with Libya and the United Kingdom on the objectives for that team between the December 19, 2003 announcement and the entry of the U.S./UK team into Libya. The State Department was not involved in discussions prior to the public announcement on December 19, 2003.

Question 2d. Please provide the background and full details regarding the origins of the U.S.-UK agreement with Libya on dismantlement of its WMD programs.

d. Who, in the State Department, took part in the negotiations?

Answer. Under Secretary of State John Bolton and employees of the Bureaus of Verification and Compliance and Arms Control participated in those negotiations. The Nonproliferation and Near East Asia bureaus have also played a role in assisting Libya to eliminate its WMD.

Question 2e. Please provide the background and full details regarding the origins of the U.S.-UK agreement with Libya on dismantlement of its WMD programs.

e. If the State Department was not an active participant in the negotiations, then at what level did it follow the progress of those talks?

Answer. Senior State Department officials were kept informed of the discussions.

Question 2f. Please provide the background and full details regarding the origins of the U.S.—UK agreement with Libya on dismantlement of its WMD programs.

f. What role did U.S. intelligence agencies play in the negotiations?

Answer. The CIA participated in meetings and on-site visits to Libya during the discussions.

Question 2g. Please provide the background and full details regarding the origins of the U.S.-UK agreement with Libya on dismantlement of its WMD programs.

g. What role did the Department of Defense play in the negotiations?

Answer. The Department of Defense participated in formulating U.S. objectives in negotiations after December 19, 2003, to guide the work of the U.S.-UK team assisting in elimination of Libyan WMD. The Defense Department was not involved in discussions prior to the public announcement on December 19, 2003.

Question 3. Was the initial Libya proposal comprehensive in nature? In testimony before the Senate Select Committee on Intelligence on February 24, 2004, George Tenet indicated the Libyans initially offered only to “renounce” their WMD programs without necessarily dismantling existing programs in a verifiable manner. Can you expand on his statement?

Answer. We would suggest that the committee refer questions regarding Director Tenet’s testimony to the CIA.

Question 4. Why do you believe the Libyans were reticent at first on disclosing all details on their programs, especially since it was their decision to come forward?

Answer. Since its public announcement on December 19, 2003, Libya has been very open about its WMD and missile programs. There may be several reasons why Libya was reticent to disclose all details at the earliest stages of contact, but listing those reasons would only be speculation. We do note that our ability to confront the Libyans with substantial intelligence was a major factor in encouraging Libya to fully disclose its WMD and missile programs.

Question 5. What countries are involved in A.Q. Khan's procurement network? And what is the U.S. Government doing about that?

Answer. A.Q. Khan has admitted that Iran, Libya, and North Korea were customers of his network and that he used resources in Pakistan, the United Arab Emirates and Malaysia to complete the sales. This network procured parts from all over the world, including Western Europe, for transfer to countries of proliferation concern. The United States and other members of the international community are working hard to unravel and eliminate the A.Q. Khan network to ensure that sensitive nuclear technology is no longer available on the black market. The State Department would be happy to have appropriate officials discuss our efforts with you in person in more detail.

Question 6. Are we accepting Pakistan's assertion that this massive proliferation proceeded with no government knowledge, let alone approval? What will Pakistan do to assure the world that this will never happen again? Will Pakistan provide all the information the IAEA needs to investigate A.Q. Khan's network and to determine what it provided to Libya and Iran?

Answer. President Musharraf has assured the administration that the Government of Pakistan was not participating in any kind of WMD proliferation activity. President Musharraf understands the importance of shutting down the A.Q. Khan proliferation network and of Pakistani cooperation toward that end; he is working toward this goal. We are urging Pakistan to take steps to ensure that such activity cannot take place again from Pakistan, and we have an ongoing program to help Pakistan bring its export controls in line with accepted international standards. We have also stressed that A.Q. Khan and his collaborators must not be allowed to resume their operations. In that connection, it is notable that Khan's pardon is conditioned on his continued cooperation and that his alleged co-conspirators in Pakistan remain in detention. Pakistan has said it will share all relevant information from its investigation with us as well as with the IAEA, and we are working with Pakistan toward that end.

Question 7. Are we accepting Malaysia's assertion that the activities of Mr. Tahir in that country were all perfectly legal? What will Malaysia do to assure the world that this will never happen again?

Answer. The Malaysian police conducted an investigation into this matter and concluded that Tahir's activities were not in violation of Malaysian law. In a speech to the U.S. National Defense University on February 11, President Bush called on all states to criminalize proliferation. We are ready to assist the Government of Malaysia to enact and enforce laws that criminalize proliferation activities. We are also offering to help Malaysia and other countries bring their export control systems up to international standards so that activities such as those by Tahir are not repeated.

Question 8. Did any of the five major nuclear powers help Libya's nuclear weapons program? If so, what are we—and what is the IAEA—doing about that?

Answer. Not to our knowledge. However, the USG is working with Libya and the IAEA to learn more about Libya's nuclear suppliers. The State Department would be happy to have appropriate officials discuss this with you in person.

Question 9. The Department of State has made numerous pronouncements about the non-negotiable requirement for Libya to compensate the victims of the Pan Am 103 bombing. No such public pronouncements have been made on behalf of the service men and women killed or injured in the LaBelle Discotheque bombing. What is the position of the United States with regard to the need for Libya to compensate the victims of the LaBelle Discotheque bombing?

Answer. We are urging Libya to address all outstanding terrorism claims of Americans, including for the LaBelle Disco bombing, in coordination with the claimants and their legal representatives. The claims of the American LaBelle victims are also

the subject of litigation in U.S. courts and we are in close touch with their legal counsel.

Libya's response to the UN requirements on terrorism, and its commitment to eliminate its weapons of mass destruction programs, has opened the way for direct discussions to chart a path for possible improvement in relations. Whether and how this will take place will depend upon how well and how quickly it lives up to all of its commitments.

